

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA

VS.

SUNIL WADHWANI

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CASE NO. M-19-1995-02

**DEFENDANT’S OPPOSED MOTION TO PRODUCE ARRANGEMENTS
MADE OR EXTENDED TO GOVERNMENT WITNESSES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, SUNIL WADHWANI, by and through his undersigned counsel, and respectfully files Defendant’s Motion to Produce Arrangements Made or Extended to Government Witnesses, and for good cause would show the following:

SUMMARY OF MOTION

Defendant requests that the Court order the Government to produce a written memorandum of all arrangements made or extended to Government witnesses at least 14 days prior to trial so that Defendant will have sufficient time to adequately prepare for cross-examination of the witnesses at trial.

ARGUMENT & AUTHORITIES

1. A Defendant is constitutionally entitled to be informed of and to display to a jury at trial any such promises of immunity, leniency, special considerations, threats of prosecution, promises of assistance or any benefits extended to any Government witness in order to secure the witnesses’ testimony. The withholding of such evidence constitutes a denial of the Defendant’s constitutionally protected rights to due process and fundamental fairness. *Giglio v. United States*, 405 U.S. 150, 92 S.Ct.763, 31 L.Ed.2d 104 (1972); *Brady v. Maryland*, 373 U.S. 83 (1963). Such

evidence is not only exculpatory in the sense that it is a legitimate ground for impeachment of any witness that the Government may call against the Defendant, *Williams v. Dutton*, 400 F.2d 797 (5th Cir. 1968), but also is discoverable by the Defendant in order to show the witnesses' bias or prejudice in testifying at trial. *Davis v. Alaska*, 415 U.S. 308, 94 S.Ct. 1105, 39 L.Ed.2d 347 (1974).

2. The Defendant moves the Court to enter an order directing the Government to prepare and provide to the Defendant and his attorney a written memorandum setting out in detail the extent and scope of all offers of immunity, promises of leniency or special considerations, threats of prosecution, promises of assistance, benefits, payments in cash or in kind which have been or will be extended to any person who may be called as a witness by the Government or who has provided any information to the Government or cooperated with the Government in any way in regard to this case.

3. The Defendant requests that the foregoing be produced at least 14 days prior to trial.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this motion be in all things GRANTED.

Date: October 29, 2019

Respectfully submitted,

By: /s/Michael Wynne
Michael Wynne
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COUNSEL FOR SUNIL WADHWANI

CERTIFICATE OF CONFERENCE

I have conferred with AUSA Robert Lopez. The Government is opposed to this motion.

By: /s/ Michael Wynne
Michael Wynne

CERTIFICATE OF SERVICE

This is to certify that on October 29, 2019, a true and correct copy of this motion was served on all parties of record via ECF.

By: /s/ Michael J. Wynne
Michael J. Wynne